

ARTICLE IV GENERAL PROVISIONS

SECTION

400 RULES AND INTERPRETATIONS

400.1 Minimum Requirements

The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare.

400.2 Relationship With Other Laws

Where the conditions imposed by any provision of this Zoning Ordinance upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern, except that the terms and conditions contained in a Preannexation Agreement between the City of Rockford and the property owner governs over this Ordinance where there is a conflict between the Agreement and this Ordinance as long as the Agreement is in full force and effect. Final orders of court which are in full force and effect also govern over this Ordinance.

400.3 Effect on Existing Agreements

This Ordinance is not intended to abrogate any easement, covenant or any other private agreement, provided that, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements, then the requirements of this Ordinance shall govern.

400.4 Conformity With Regulations

No building, structure or land shall hereafter be used or occupied and no new structures or additions shall be erected that are not in conformity with the regulations herein specified for the district in which it is located, except as otherwise provided for in Sec. 500, "Nonconforming Uses and Structures."

401 DISTRICT BOUNDARIES

401.1 Boundaries between zoning districts are established on lot lines or along the centerlines of streets, alleys, rivers or creeks, or railroad right-of-ways.

401.2 When a parcel is shown to be in two separate zoning districts on the effective date of this Ordinance, then the entire lot is construed to be within the more intense district. This provision shall not apply if the more intense district's street frontage is increased by more than twenty-five (25) feet.

402 ZONING MAPS

The Official Zoning Maps of the City of Rockford, as amended, are adopted by reference and declared to be a part of this Ordinance. The reproducible original maps are on file in the Zoning Division Office and are available to the public.

403 ZONING OF ANNEXED LAND

All annexed parcels of land shall be placed in the R-1, Single-Family Zoning District unless otherwise specified in a Preannexation Agreement which has been entered into between the landowners and the City of Rockford pursuant to the provisions of the Illinois Revised Statutes. Uses existing at the time of annexation are regulated by Sec. 500, "Nonconforming Uses and Structures."

404 HOME OCCUPATIONS

Home Occupations are allowed in Residential Districts in accordance with the provisions specified in Sec. 1100 of this Ordinance.

GENERAL PROVISIONS

405 LOT COVERAGE

405.1 Required Yards

Required yards for new construction shall be located on the same zoning lot as the use for which they are intended.

405.2 Obstructions Permitted in Required Yards

The following obstructions only shall be allowed in the required yards specified.

A. In Front and Side Yards in Residential Districts

1. Awnings, canopies or balconies, located six (6) feet from the property line;
2. Bay windows located above grade;
3. Steps necessary for access to the residence;
4. Flag poles, religious or other statuary;
5. Chimneys projecting no more than twenty-four (24) inches;
6. Overhanging eaves projecting no more than forty (40) percent of the required side yard, but not exceeding three (3) feet, whichever is more restrictive;
7. Arbors, trellises, landscaping and trees;
8. Fences (see Sec. 405.3).

B. In Side and Rear Yards in Residential Districts

1. All items listed under (A), above;
2. Accessory buildings, such as garages, storage buildings and playhouses (see Sec. 403);
3. Breezeways, patios, roofed porches and wooden decks located not closer than six (6) feet to any property line;
4. Noncommercial television or radio antennas or satellite dishes subject to the regulations of Sec. 405.6(B).
5. Swimming pools and play equipment located not closer than six (6) feet to any property line;
6. Clotheslines and supports;
7. Fences (see Sec. 405.3);
8. Fire escapes;
9. Gardens;
10. Air conditioning units.

C. In Front and Side Yards in Commercial and Industrial Districts

1. Free-standing canopies over gasoline pumps located not closer than six (6) feet to the property line;
2. Steps necessary for access to the building;
3. Fences (see Sec. 405.3);
4. Air conditioning units;
5. Antennas subject to the provisions of Sec. 405.6(B).
6. Landscaping, flag poles, awnings and canopies.

D. In Side and Rear Yards in Commercial and Industrial Districts

1. Accessory buildings (see Sec. 406);
2. Steps necessary for access to the building;
3. Loading docks (See Sec. 1300.5);
4. Fences (see Sec. 405.3);
5. Air conditioning units;
6. Antennas, subject to height restrictions imposed by the FAA and the Airport Zoning Act.

E. Obstructions to Vision at Intersections

No person shall erect, construct, install, plant, grow or maintain on any property located within a sight-triangle at the intersection of any streets or alleys, any building, sign, fence (except a non-sight obstructing fence), post, hedge, shrubbery or trees that exceed three feet (3') in height above the nearest ledge or curb of such intersecting streets or alleys, or extends above this area at any point lower than ten feet (10') above said level of such street or alley to the end that persons driving vehicles upon either of such intersecting streets or alleys shall have an unobstructed view across the corner part of said premises to the other said streets or alleys for a distance as defined by the sight-triangle. (Ord.1994-27-O)

405.3 Fencing Regulations

A. General Fencing Regulations

1. Fence Permit: No fence shall be erected unless the property owner or his/her authorized agent has first obtained a permit therefore from the Zoning officials and having paid the appropriate fee as determined by City Council and listed in Sec. 1601.1 of this Ordinance. A detailed fence plan, including construction and elevation details drawn to scale, must be submitted with the fence permit application form if required by Zoning officials. If any fence is erected prior to obtaining a fence permit, the fence shall be removed if it is in violation of this Ordinance; or, if the fence meets all the restrictions of this Ordinance, it may remain only if a fence permit is obtained at double the regular fee. All fence permits shall be valid for 120 days from the date of approval by Zoning staff. If any fence permit expires prior to the completion of construction of the fence, then another fence permit must be obtained and another fee paid. It shall be unlawful for any person to erect or maintain a fence of any type not in full compliance with the applicable provisions of this Ordinance. (See Sec. 1607.3 for violation penalties.)
2. All fences shall be installed with the finished side facing the adjacent property or public right-of-way, and the fence posts must be located on the inside of the fence facing the property on which the fence is located, unless the fence is signed and constructed to look the same on both sides of the fence.
3. There shall be no height restrictions for Non-Sight-Obstructing fencing located on publicly-owned parkland or school property that is used to enclose publicly-owned parks, recreation areas or school sites. Sight-Obstructing fencing shall meet all the restrictions of the zoning district in which the property is located.
4. It shall be unlawful for any person to erect or maintain in any residential or commercial zoning district (except around utility installations or substations) within the City any barbed wire fence or spiked railing, or any guard or barricade to which there is attached any barbed wire or any sharp or pointed instrument, device or thing of any kind or description designed, intended or liable to injure any person coming in contact therewith. Barbed wire shall be permitted on industrially-zoned property; however, it may not be located within thirty feet (30') of a property with a residential use or a residential zoning district.
5. Fences of any material with pointed pickets of any kind that have an angle less than ninety (90) degrees must be terminated at the point with at least a one-quarter inch (¼") flat surface or one-quarter inch (¼") ball or radius.

6. It shall be unlawful for any person to erect or maintain any electric fence within the City.
7. All fences must be constructed in such a manner as to withstand at least thirty (30) pounds of wind pressure per square foot. (Ord.1994-27-O)
8. Fences are to be constructed of the following customarily used materials: chain link/metal (not less than 11 gauge), wrought iron, aluminum, wood (chemically treated or naturally resistant to decay), polyvinyl chloride (PVC), concrete, masonry. Upon review, the Zoning Officer may approve the use of other material(s) not listed here. All other materials shall be prohibited, including but not limited to: chicken wire, welded mesh wire, corrugated or sheet metal, solid plywood, scrap lumber, common concrete, cinder block, and construction, snow and other temporary fencing as permanent fencing. (Ord.2004-216-O)

B. Fence Height in Residential and Commercial Zoning Districts

1. Height in Front Yards:
 - a. Fences measuring a maximum of four (4) feet in height, as measured from existing grade, are permitted in the front yard up to the property line. However, only a three-foot (3') high, Sight-Obstructing fence, or a four-foot (4') high Non-Sight-Obstructing fence is allowed in the area of a sight-triangle at any intersection of streets or alleys.
 - b. Fences measuring a maximum of six (6') feet in height, as measured from existing grade, are permitted up to the property line along an arterial street (one which is designated on the Year 2010 Plan) if the lot has frontage on a second parallel street and the residence faces the second street, and the property is not a corner lot. (Ord.1994-27-O)
2. Height in Side and Rear Yards:
 - a. Fences measuring a maximum of six feet (6') in height, as measured from existing grade, are permitted up to the property line in a side or rear yard, except for Sight-Obstructing fences located within eight feet (8') of an alley or within a sight-triangle. The side or rear yard begins at the front yard setback line required by this Ordinance, or the existing setback of the principal structure located on the lot, whichever is less.
 - b. Eight (8) foot fences, walls or lattice work screens are permitted providing they are set back a minimum of six feet (6') from any interior side or rear lot line, and eight feet (8') from any right-of-way line adjacent to any alley or equal to the existing setback of the principal structure located on the property, whichever is less.
 - c. A Sight-Obstructing fence, four feet (4') or less in height, may be located up to a property line adjacent to an alley (except when within a sight-triangle). A Non-Sight-Obstructing fence over four feet (4') in height and up to six feet (6') in height is allowed up to a property line adjacent to any alley; however, a Sight-Obstructing fence over four feet (4') high must be set back a minimum of eight feet (8') from a property line adjacent to an alley. (Ord.1994-27-O)

C. Fence Height in Industrial Zoning Districts

1. Height in Front Yards:
 - a. Fences measuring a maximum of four feet (4') in height, as measured from existing grade, are permitted in the front yard up to the property line. However, only a three-foot (3') high, Sight-Obstructing fence, or a four-foot (4') high Non-Sight-Obstructing fence is allowed in the area of a sight-triangle at any intersection of two streets.

- b. Fences measuring over four feet (4') and up to six feet (6') in height, as measured from existing grade, are permitted in the front yard if set back from any street right-of-way line at least ten feet (10').
- c. Fences measuring over six feet (6') and up to eight feet (8') in height, as measured from existing grade, are permitted in the front yard if set back from any street right-of-way line at least twenty feet (20').
- d. Fences measuring over eight feet (8') and up to ten feet (10') in height, as measured from existing grade, are permitted in the front yard if set back from any street right-of-way line at least thirty feet (30'). (Ord.1994-27-O)

2. Height in Side and Rear Yards:

- a. Fences measuring a maximum of ten feet (10') in height, as measured from existing grade, are permitted in side and rear yards up to the property line, except when adjacent to an alley; then, any Sight-Obstructing fence over four feet (4') in height must be set back a minimum of ten feet (10') from the right-of-way line of any alley. (Ord.1994-27-O)

405.4 Lighting

Any outside lighting of structures, yards or parking lots shall be shaded and/or directed away from residential uses or public roadways. Only luminaries with less than 75 degree cutoff shall be allowed, and the direct light sources shall not be visible from any adjacent residential districts. The Maximum Permitted Illumination, measured in foot-candles, shall be allowed in accordance with the following schedule of Maximum Permitted Illumination. (See Section 300, DEFINITIONS, "Maximum Permitted Illumination.")

**Schedule of "Maximum Permitted Illumination;" Adjacent Private Property
(In Foot-Candles, Average of Readings at 10' Intervals)**

Subject Property	Zoning of Adjacent Property					
	RE,R-1	R-2,R-M	R-3,R-4,C-1	C-2,C-4	C-3,I-1	I-2
RE,R-1	.5	.5	.5	.5	.5	.5
R-2,R-M	.5	.5	.5	.5	.5	.5
R-3,R-4,C-1	.5	.5	.5	1.0	2.0	2.0
C-2,C-4	.5	.5	1.0	2.0	3.0	3.0
C-3,I-1	.5	.5	1.0	2.0	3.0	3.0
I-2	.5	.5	1.0	2.0	3.0	3.0

405.5 Dumpsters

All dumpsters located at residential or commercial or industrial uses, shall be enclosed within permanent walls or site-obscuring fences and be located so that refuse trucks are completely off the public right-of-way when servicing.

405.6 Communication Antenna Support Structure Regulations

A. Regulations for All Communication Antenna Support Structures

No communication antenna support structure shall be erected, maintained or operated without first having approval for a building permit from the Zoning Officer. Plans and specifications for such a support structure shall be submitted to the Zoning Officer. All specifications must meet all applicable building codes. The Zoning Officer shall approve such a permit only as follows:

1. The plans and specifications submitted by the party erecting the communication antenna support structure must conform to the standards set forth in this Section;

2. The proposed communication antenna support structure is in conformity with Sec. 405.6(A)(4).
3. Prior to or simultaneously with the submission of plans and specifications to the Zoning Official, the party desiring to erect a communication antenna support structure shall submit a site plan of the proposed support structure. The site plan shall show lot lines, all buildings on the lot, the location of the communication antenna support structures, including the location of all guy wires (if any), and any other information necessary to conform to this Section and any other zoning regulations of the City. The Zoning Officer shall review the site plan for conformity with this Section and any other applicable zoning regulations. If the site plan contains insufficient information to make such determination, the applicant shall modify the plan accordingly. The Zoning Officer shall approve all site plans in conformity with the criteria set forth in this Section.
4. A communication antenna support structure of thirty-five (35) feet or less shall not be erected, maintained or operated unless it conforms to the criteria set forth in Sec. 405.6(B)(2), 405.6(B)(3), and 405.6(B)(4), as well as any other applicable zoning regulations.
5. In any residential district, the following additional regulations shall apply to satellite dish antennas:
 - a. Satellite dish antennas shall not exceed ten (10) feet in diameter.
 - b. Roof-mounted satellite dish antennas shall not be visible between ground level and ten (10) feet above ground level from any street adjoining the lot, and shall not exceed the required building height limitation.
 - c. Ground-mounted satellite dish antennas shall not exceed fifteen (15') feet in height.

B. Communication Antenna Support Structures Over Thirty-Five (35) Feet in Height

No communication antenna support structure which exceeds thirty-five (35') feet in communication antenna support structure height shall be erected, maintained or operated in the City unless said structure is in conformity with all of the seven (7') following criteria:

1. Communication antenna support structure height may not exceed the height set forth as follows:
 - a. In residential and commercial districts, the communication antenna support structure height may not exceed seventy (70) feet, except a UHF or VHF monopole antenna with no more than one-inch (1") diameter tubing of twenty feet (20') in length may be added to the top of the antenna support structure.
 - b. In industrial districts, the communication antenna support structure height may not exceed one hundred (100) feet.
 - c. In all districts, a structure exceeding these requirements may be approved as a special use in conformance with the special use standards in this ordinance and any applicable federal or State laws or regulations.
 - d. All communication antenna support structures are subject also to height restrictions imposed by the FAA and the Airport Zoning Map.
 - e. Satellite dish antenna height in residential districts are subject to the height limitations of Sec. 405.6(A)(5)(c).
2. The communication support structure is located in either the rear or side yards; provided, however, that any communication antenna support structure which is in a side yard shall be permitted only as follows:
 - a. If no part of the communication antenna support structure encroaches upon any required side yard, and

- b. If it is structurally attached to the primary building on the property on which the communication antenna support structure is located, and
 - c. If no part of the communication antenna support structure extends to or is located in front of the principal structure.
- 3. The communication antenna support structure is not less than six (6) feet from any lot line.
 - 4. Any lattice-type communication antenna support structure shall be protected by an appropriate anti-climbing device.
 - 5. The Zoning Officer has approved a building permit in conformity with Sec. 405.6(A), hereof. (Ord.1993-345-O)
 - 6. Only one communication antenna support structure which exceeds thirty-five (35) feet may be located on a zoning lot.

406 ACCESSORY BUILDINGS - DETACHED

Detached accessory buildings shall be located on the same lot as the use served and are not intended for habitation or business use in residential districts.

406.1 Size and Lot Coverage

- A. In R-1 Districts, the combined square footage of all detached accessory buildings shall not exceed seven hundred twenty (720) square feet, or thirty percent (30%) of the required rear yard, whichever is greater.
- B. In all other residential districts, square footage of accessory buildings shall be based on multiples of 264 square feet (12 x 22). To determine the square footage of accessory structures, first multiply the number of dwelling units by the required number of parking stalls specified for that particular use (as outlined in Sec. 1305.3, Schedule of Parking Requirements); second, multiply the required parking by 264 square feet. (Example: a four-family apartment building would be allowed a 1,584 square-foot accessory building $[4 \times 1.5 = 6; 6 \times 264 = 1,584]$)
- C. In Commercial and Industrial Districts, an accessory building may occupy sixty percent (60%) of the required rear yard.

406.2 Height

- A. In Residential Districts - 18 feet.
- B. In Commercial and Industrial Districts - 20 feet.

406.3 Setbacks and Location

- A. Required front yards shall be the same as those for the principal building, or equal to or greater than the existing principal building setback, whichever is less. (Ord.1994-27-O)
- B. Required side and rear yards shall be two and one-half feet (2½'); overhanging eaves may not project more than one foot (1') into the two and one-half foot (2½') setback. (Ord.1994-27-O)
- C. Required side and rear yards that are adjacent to an alley shall require a minimum setback of eight feet (8') from the alley right-of-way line. (Ord.1994-27-O)

406.4 Time of Construction

An accessory building shall not be constructed prior to construction of the principal building on the same lot.

407 NUMBER OF BUILDINGS ON A ZONING LOT

407.1 Except in the case of a Planned Residential Development or a Planned Mixed-Use Development, no more than one principal building may be located on a zoning lot in a Residential District. (See Sections 700 and 1200 for applicable provisions for Planned Developments.)

407.2 Construction of two (2) principal buildings may be allowed on a Commercial or Industrial zoning lot with approval from both the Plat Officer and the Zoning Officer, provided the proposal is not an attempt to circumvent the State Plats Act or the City's Subdivision Regulations, and providing a detailed site plan is submitted indicating that:

- A. The size of the lot will allow all other regulations for the proposed building and/or use, such as access, setbacks, parking and landscaping to be met;
- B. The distance between buildings will be a minimum of twelve (12) feet.

408 OUTSIDE PARKING AND STORAGE OF AUTOS, VANS, TRUCKS AND RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS AND FOR RESIDENTIAL USES

408.1 Number

The total number of motor vehicles shall be limited to four (4) for each dwelling unit and all shall be operable and have current license plates.

408.2 Location

- A. Autos, motorcycles, vans and trucks with passenger car or "B" plates (or equivalent) must be parked on a paved surface in side or rear yards, and must be parked in a driveway in front yards in R-1 and R-2 Districts, and must be parked in an approved parking lot in RM, R-3 and R-4 Zoning Districts.
- B. Motor homes, campers, and travel trailers, up to thirty (30) feet in length, may be stored in side or rear yards, providing those stored in side yards are located a minimum of six (6) feet from the property line. When stored, recreational vehicles may not be used for residential purposes. Any of the above recreational vehicles that exceed 2,000 pounds must be on a paved surface.
- C. Boats, snowmobiles, waverunners, jet skis, all-terrain vehicles (ATV's) and golf carts (up to 30 feet in length) when upon trailers that were made for the purpose of hauling said vehicles may be stored in the side and rear yards, providing those stored in side yards are located a minimum of six (6) feet from the property line. Any of the above with trailers that exceed 2,000 pounds must be parked on a paved surface.
- D. Said recreational vehicles may be stored anywhere on the premises for up to six (6) hours within a consecutive 24-hour time period for loading or unloading purposes.
- E. All other vehicles, including but not limited to utility type trailers, car hauling trailers, enclosed box type utility trailers, commercial construction trailers or any other trailer whose sole purpose is to haul are prohibited on the premises.
- F. Only one vehicle described in B. or C. above shall be permitted to be stored outside

409 EXCEPTIONS TO LOT AREA AND SETBACK REQUIREMENTS

409.1 When two or more substandard sized lots are adjacent and under one ownership, the lots shall be combined to form one zoning lot in order to qualify for development.

409.2 A vacant substandard residential lot which stands alone and was a lot of record at the time of adoption of this Ordinance, may be developed with a twenty-five percent (25%) reduction of the required side yards.

409.3 At the time of adoption of this Ordinance, a reduction in the required front setback may be allowed when at least forty percent (40%) of a block face is occupied by structures. The average setbacks of the street walls of the existing structures shall be furnished by the applicant. The arithmetical average of the setbacks of the existing structures shall determine the reduced setback.

409.4 An occupied substandard residential lot that was a lot of record at the time of adoption of this Ordinance is permitted to have building additions with a twenty-five percent (25%) reduction in side yards, and a twenty-five percent (25%) increase in the amount of impervious surface allowed, as determined by the underlying zoning district. (Ord.1993-345-O)

410 DIVISION OF A ZONING LOT

An improved zoning lot shall not hereafter be divided into two (2) or more zoning lots unless all improved zoning lots resulting from such division can conform with the applicable bulk regulations for the district in which the property is located. Such land divisions shall also meet the regulations of the City of Rockford Subdivision Regulations as adopted November 6, 1989.

411 PRE-EXISTING SPECIAL USES

If the use of the property, as authorized by the Special Use Permit, is commenced prior to the effective date of this Ordinance, this use shall be classified as "conforming." The pre-existing special use shall remain in effect, but any Modifications will require the use of the property to be brought into compliance with the current Ordinance. Pre-existing special uses shall lapse and become void upon the following conditions:

- A. If the use of the property, as authorized by the Special Use Permit, is discontinued for twenty-four (24) months consecutively.
- B. If the use of the property, as authorized by the Special Use Permit, is discontinued and there is evidence of a clear intent of the owner to abandon the property.
- C. If the use of the property, as authorized by the Special Use Permit, is discontinued and the proposed reuse of the property is a different land use or a similar land use with changes of greater than ten percent (10%) in parking, building area or land area, or a change to a similar use that would add a drive-up window or windows. Lapse of a pre-existing Special Use Permit will require the subject property to comply with all provisions of this Ordinance.

412 SPECIAL USE PERMITS: USE NOT ESTABLISHED PRIOR TO THIS ORDINANCE

If a property has an approved Special Use Permit and the special use has not been established by Certificate of Occupancy prior to the effective date of this Ordinance, the special use may be established only within two years of the date of effectiveness of the approval of the application for a Special Use Permit. No Modifications to the approved Special Use Permit will be allowed. The approved Special Use Permit shall lapse and become void if the special use has not been established by Certificate of Occupancy within two years of the date of effectiveness of the approval of the application for the Special Use Permit. Lapse of an approved Special Use Permit will require the subject property to comply with all the provisions of this Ordinance.

413 PRE-EXISTING VARIATIONS

If a property has an approved Variation(s) and the use of the property is commenced prior to the date of this Ordinance, the property shall be classified as conforming. The pre-existing Variation(s) shall remain in effect, but any modification(s) will require the property to be brought into compliance with the current Ordinance. Pre-existing Variation(s) shall lapse and become void upon the following conditions:

- A. If the use of the property with approved variations is discontinued for twenty-four (24) months consecutively; or

- B. If the use of the property is discontinued and there is evidence of a clear intent by the owner of the property to abandon the property; or
- C. If the use of the property is discontinued and the proposed use of the property is a different land use or a similar land use with changes of greater than ten percent (10%) in parking, building area or land area, or a use that would require rezoning of the property. Lapse of a pre-existing Variation(s) will require the subject property to comply with all provisions of this Ordinance.

414 VARIATIONS NOT ESTABLISHED PRIOR TO THIS ORDINANCE

If a property has an approved Variation(s) and the Variation(s) has not been established prior to the effective date of this Ordinance, the Variation(s) may be established only within two years of the effectiveness of the approval of the application for the Variation(s) or it (they) will lapse. Lapse of an approved Variation will require the subject property to comply with all the provisions of this Ordinance.